

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

NOLA C. VAN DUYNE and LEO VAN DUYNE,)

Plaintiffs,)

v.)

ENCORE MEDICAL, L.P., ENCORE)
ORTHOPEDICS, INC., and OSTEOIMPLANT)
TECHNOLOGY, INC.,)

Defendants.)

Case No. 07 C 6857

Judge Moran
Magistrate Judge Nolan

OTI'S MOTION FOR EXTENSION OF TIME TO RESPOND TO THE COMPLAINT

Defendant, OSTEOIMPLANT TECHNOLOGY, INC. ("OTI"), by its attorneys, David S. Waxman, Sharilee K. Smentek and ARNSTEIN & LEHR LLP, *of counsel*, moves this Court for an extension of time to respond to the Complaint. In support of its motion, OTI states:

1. On August 15, 2007, Plaintiff filed its Complaint against OTI.
2. OTI was served with Summons and the Complaint on May 27, 2008 via the Secretary of State.
3. Pursuant to Federal Rule of Civil Procedure 12(a)(1)(A), OTI must serve a response to the Complaint within twenty days after being served or by June 17, 2008.
4. OTI needs additional time to investigate the allegations and legal claims contained in Plaintiff's Complaint. Therefore, OTI is requesting that the time for responding to the Complaint be extended to, and including, July 7, 2008.
5. OTI filing this motion in good faith and not for the purpose of delay.

WHEREFORE, Defendant, OSTEOIMPLANT TECHNOLOGY, INC., requests that this Court enter an order extending the time for responding to the Complaint to, and including, July 7, 2008, and for such other relief this Court deems just and equitable.

OSTEOIMPLANT TECHNOLOGY, INC.,

By: s/ Sharilee K. Smentek
One of its Attorneys

David S. Waxman (ARDC # 6191045)
Sharilee K. Smentek (ARDC # 6277773)
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CERTIFICATE OF SERVICE

Sharilee K. Smentek, an attorney, certifies that she served copies of **OTI'S MOTION FOR EXTENSION OF TIME TO RESPOND TO THE COMPLAINT** on the following parties:

Wayne B. Giampietro
Kevin J. Berrill
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via e-mail notification served by the CM/ECF system on 6/17/2008.

s/ Sharilee K. Smentek